

## **REMARKS**

### Introductory Comments

Reconsideration of the above-identified application in view of the above amendments and the arguments set forth below is respectfully requested.

Claim 1 is pending and under consideration. Claim 2 has been canceled. No new matter has been added as a result of these amendments.

### Rejection of Claim 2 Under 35 U.S.C. § 112, Second Paragraph

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner questions whether claim 2 requires SEQ ID NO: 61 and an additional portion of the same polypeptide. The Examiner then states that SEQ ID NO: 61 inherently contains immunoreactive portions and thus, it is unclear how this added limitation further defines the invention.

Applicants would like to point out that the claim language of “wherein said immunoreactive portion is contained within said amino acid sequence of Figure 1 (SEQ ID NO: 61)” is clear, that the immunoreactive portion is contained in SEQ ID NO: 61. However, Applicants have canceled claim 2 and this rejection is now moot.

### Rejection of Claims 1 and 2 Under 35 U.S.C. § 102(a)

Claims 1 and 2 are rejected under 35 U.S.C. § 102(a) as being anticipated by DelaPorte *et al.*, EMBL/NCBI Accession Number X96526, cited in the Office Action mailed on December 12, 2002 (herein “DelaPorte”).

Specifically, the Examiner states that since the claims recite “comprising an amino acid of” instead of “comprising the amino acid of”, the claims are

interpreted as only requiring a portion of SEQ ID NO: 61. Therefore, the Examiner applies DelaPorte, which only discloses a portion of SEQ ID NO: 61, for rejecting the claims.

Applicants have canceled claim 2 and amended claim 1 by deleting "an" and inserting "the" therefor. Therefore the rejection of claim 1 is now moot and Applicants respectfully request withdrawal of the rejection of claim 2 under 35 U.S.C. § 102(a) as being anticipated by DelaPorte *et al.*, EMBL/NCBI Accession Number X96526.

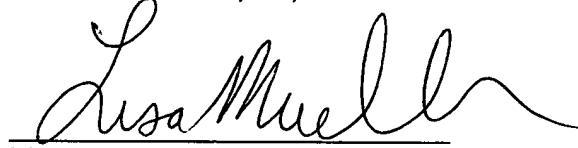
## CONCLUSION

Applicants respectfully submit that the claims comply with the requirements of 35 U.S.C. Sections 112 and 102. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Should the Examiner have any questions concerning the above, she is respectfully requested to contact the undersigned at the telephone number listed below. If the Examiner notes any further matters which the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,  
John R. Hackett, Jr., et al.

  
Lisa V. Mueller  
Registration No. 38,978  
Attorney for Applicants

Wood, Phillips, Katz, Clark & Mortimer  
500 West Madison Street  
Suite 3800  
Chicago, IL 60662-2511

Tel.: (312) 876-2109  
Fax.: (312) 876-2020